

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOANNA SOLANO, :  
Plaintiff, : 21-CV-6156 (OTW)  
-against- :  
ORDER OF DISMISSAL  
METRO-NORTH COMMUTER RAILROAD, :  
Defendant. :  
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**ONA T. WANG, United States Magistrate Judge:**

On August 16, 2024, the Court issued an Order to Show Cause as to why this case should not be dismissed for failure to prosecute under Fed. R. Civ. P. 41(b). (ECF 37). Plaintiff filed a status report on August 28, 2024, wherein they explained that the parties were close to settlement. (ECF 38). On September 9, 2024, the Court scheduled a pretrial conference for October 10, 2024. (ECF 39). Plaintiff failed to appear for the October 10 pretrial conference. The Court has set the date for jury selection and trial to begin on **Tuesday, December 3, 2024**.

It is **ORDERED** that the above-entitled action be, and hereby is, **DISMISSED with prejudice** but without costs; provided, however, that either party may apply by letter within ten days of the issuance of this Order to restore this action to the calendar of the undersigned, in which event the action will be restored.

The Clerk of Court is respectfully directed to close the case. The trial date of December 3, 2024, is not adjourned.

**SO ORDERED.**

Dated: October 10, 2024  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge